

Senate File 475 - Reprinted

SENATE FILE 475
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1137)

(As Amended and Passed by the Senate March 21, 2017)

A BILL FOR

1 An Act relating to educational programs developed or
2 administered by the department or state board of education,
3 school districts, or accredited nonpublic schools, and to
4 school-age children's health screenings, providing for or
5 relating to fees, and including effective date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

ONLINE EDUCATION

1
2
3 Section 1. Section 256.7, subsection 32, paragraph a, Code
4 2017, is amended to read as follows:

5 ~~a.~~ Adopt rules for online learning in accordance with
6 sections ~~256.41~~, 256.42, and 256.43, and criteria for waivers
7 granted pursuant to section 256.42.

8 Sec. 2. Section 256.7, subsection 32, paragraph b, Code
9 2017, is amended by striking the paragraph.

10 Sec. 3. Section 256.7, subsection 32, paragraph c, Code
11 2017, is amended to read as follows:

12 ~~c. Adopt rules that limit the statewide enrollment of~~
13 ~~pupils in educational instruction and course content that are~~
14 ~~delivered primarily over the internet to not more than eighteen~~
15 ~~one-hundredths of one percent of the statewide enrollment of~~
16 ~~all pupils, and that limit the number of pupils participating~~
17 ~~in open enrollment for purposes of receiving educational~~
18 ~~instruction and course content that are delivered primarily~~
19 ~~over the internet to no more than one percent of a sending~~
20 ~~district's enrollment. Such limitations shall not apply if~~
21 ~~the limitations would prevent siblings from enrolling in the~~
22 ~~same school district or if a sending district determines that~~
23 ~~the educational needs of a physically or emotionally fragile~~
24 ~~student would be best served by educational instruction and~~
25 ~~course content that are delivered primarily over the internet.~~
26 ~~Students who meet the requirements of section 282.18 may~~
27 ~~participate in open enrollment under this paragraph "c" for~~
28 ~~purposes of enrolling only in the CAM community school district~~
29 ~~or the Clayton Ridge community school district.~~

30 (1) ~~The department, in collaboration with the international~~
31 ~~association for K-12 online learning, shall annually collect~~
32 ~~data on student performance in educational instruction and~~
33 ~~course content that are delivered primarily over the internet~~
34 ~~pursuant to this paragraph "c". The department shall include~~
35 ~~such data in its annual report to the general assembly pursuant~~

1 ~~to subparagraph (4) and shall post the data on the department's~~
2 ~~internet site.~~

3 ~~(2) School districts~~ Adopt rules which require that
4 educational instruction and course content delivered primarily
5 over the internet be aligned with the Iowa core standards as
6 applicable. Under such rules, a school district may develop
7 and offer to students enrolled in the district educational
8 instruction and course content for delivery primarily over the
9 internet. A school district providing educational instruction
10 and course content that are delivered primarily over the
11 ~~internet pursuant to this paragraph "c"~~ shall annually submit
12 to the department, in the manner prescribed by the department,
13 data that includes but is not limited to the following:

14 (a) Student achievement and demographic characteristics.

15 (b) Retention rates.

16 (c) The percentage of enrolled students' active
17 participation in extracurricular activities.

18 (d) Academic proficiency levels, consistent with
19 requirements applicable to all school districts and accredited
20 nonpublic schools in this state.

21 (e) Academic growth measures, which shall include either of
22 the following:

23 (i) Entry and exit assessments in, at a minimum, math
24 and English for elementary and middle school students, and
25 additional subjects, including science, for high school
26 students.

27 (ii) State-required assessments that track year-over-year
28 improvements in academic proficiency.

29 (f) Academic mobility. To facilitate the tracking
30 of academic mobility, school districts shall request the
31 following information from the parent or guardian of a student
32 enrolled in educational instruction and course content that
33 are delivered primarily over the internet ~~pursuant to this~~
34 ~~paragraph "c"~~:

35 (i) For a student newly enrolling, the reasons for choosing

1 such enrollment.

2 (ii) For a student terminating enrollment, the reasons for
3 terminating such enrollment.

4 (g) Student progress toward graduation. Measurement of
5 such progress shall account for specific characteristics of
6 each enrolled student, including but not limited to age and
7 course credit accrued prior to enrollment in educational
8 instruction and course content that are delivered primarily
9 over the internet pursuant to this paragraph "c", and shall be
10 consistent with evidence-based best practices.

11 ~~{3} The department shall conduct annually a survey of not~~
12 ~~less than ten percent of the total number of students enrolled~~
13 ~~as authorized under this paragraph "c" and [section 282.18](#), to~~
14 ~~determine whether students are enrolled under this paragraph~~
15 ~~"c" and [section 282.18](#) to receive educational instruction and~~
16 ~~course content primarily over the internet or are students who~~
17 ~~are receiving competent private instruction from a licensed~~
18 ~~practitioner provided through a school district pursuant to~~
19 ~~[chapter 299A](#).~~

20 ~~{4}~~ (2) The department shall compile and review the data
21 collected pursuant to this paragraph "c" and shall submit its
22 findings and recommendations for the continued delivery of
23 instruction and course content by school districts pursuant to
24 ~~this paragraph "c"~~ over the internet, in a report to the general
25 assembly by January 15 annually.

26 ~~{5} School districts providing educational instruction and~~
27 ~~course content that are delivered primarily over the internet~~
28 ~~pursuant to this paragraph "c" shall comply with the following~~
29 ~~requirements relating to such instruction and content:~~

30 ~~{a} Monitoring and verifying full-time student enrollment,~~
31 ~~timely completion of graduation requirements, course credit~~
32 ~~accrual, and course completion.~~

33 ~~{b} Monitoring and verifying student progress and~~
34 ~~performance in each course through a school-based assessment~~
35 ~~plan that includes submission of coursework and security and~~

1 ~~validity of testing.~~

2 ~~(c) Conducting parent-teacher conferences.~~

3 ~~(d) Administering assessments required by the state to all~~
4 ~~students in a proctored setting and pursuant to state law.~~

5 Sec. 4. Section 256.9, subsection 56, Code 2017, is amended
6 to read as follows:

7 56. Develop and establish an online learning program model
8 in accordance with rules adopted pursuant to section 256.7,
9 subsection 32, paragraph "a", and in accordance with section
10 256.43.

11 Sec. 5. Section 256.41, Code 2017, is amended to read as
12 follows:

13 **256.41 Online learning requirements — legislative findings**
14 **and declarations.**

15 1. ~~The general assembly finds and declares the following:~~

16 ~~a. That prior legislative enactments on the use of~~
17 ~~telecommunications in elementary and secondary school classes~~
18 ~~and courses did not contemplate and were not intended to~~
19 ~~authorize participation in open enrollment under section 282.18~~
20 ~~for purposes of attending online schools, contracts to provide~~
21 ~~exclusively or predominantly online coursework to students, or~~
22 ~~online coursework that does not use teachers licensed under~~
23 ~~chapter 272 for instruction and supervision.~~

24 ~~b. That online learning technology has moved ahead of Iowa's~~
25 ~~statutory framework and the current administrative rules of the~~
26 ~~state board, promulgated over twenty years ago, are inadequate~~
27 ~~to regulate today's virtual opportunities.~~

28 A school district providing educational instruction and
29 course content delivered primarily over the internet shall
30 do all of the following with regard to such instruction and
31 content:

32 a. Monitor and verify full-time student enrollment, timely
33 completion of graduation requirements, course credit accrual,
34 and course completion.

35 b. Monitor and verify student progress and performance

1 in each course through a school-based assessment plan that
 2 includes submission of coursework and security and validity of
 3 testing.

4 c. Conduct parent-teacher conferences.

5 d. Administer assessments required by the state to all
 6 students in a proctored setting and pursuant to state law.

7 2. Online learning curricula shall be provided and
 8 supervised by a teacher licensed under [chapter 272](#).

9 Sec. 6. Section 256.42, subsection 7, unnumbered paragraph
 10 1, Code 2017, is amended to read as follows:

11 ~~The department may waive for one year the provisions of~~
 12 ~~section 256.11, subsection 5, which require that specified~~
 13 ~~subjects be offered and taught by professional staff of a~~
 14 ~~school district or school, shall not apply for up to two~~
 15 ~~specified subjects at a school district or school under this~~
 16 ~~section if the school district or school makes every reasonable~~
 17 ~~and good-faith effort to employ a teacher licensed under~~
 18 ~~chapter 272 for such a subject, and the school district or~~
 19 ~~school proves to the satisfaction of the department that the~~
 20 ~~school district or school is unable to employ such a teacher or~~
 21 ~~if fewer than ten students typically register for instruction~~
 22 ~~in a specified subject at the school district or school. The~~
 23 ~~department may waive, at its discretion, additional specified~~
 24 ~~subject areas for a school district or school that proves to~~
 25 ~~the satisfaction of the department that the school district~~
 26 ~~or school has made every reasonable effort, but is unable to~~
 27 ~~meet the requirements of section 256.11, subsection 5. The~~
 28 ~~specified subject shall be provided by the initiative. The~~
 29 ~~However, the~~ specified subject may instead be provided by the
 30 school district or school if all of the following conditions
 31 are met:

32 Sec. 7. Section 256.42, subsection 8, Code 2017, is amended
 33 to read as follows:

34 8. The department shall establish fees payable by school
 35 districts and accredited nonpublic schools participating in

1 the initiative. Fees collected pursuant to [this subsection](#)
 2 are appropriated to the department to be used only for the
 3 purpose of administering [this section](#) and shall be established
 4 so as not to exceed the budgeted cost of administering this
 5 section ~~to the extent not covered by the moneys appropriated~~
 6 ~~in [subsection 9](#)~~. Providing professional development
 7 necessary to prepare teachers to participate in the initiative
 8 shall be considered a cost of administering [this section](#).
 9 Notwithstanding [section 8.33](#), fees collected by the department
 10 that remain unencumbered or unobligated at the close of the
 11 fiscal year shall not revert but shall remain available for
 12 expenditure for the purpose of expanding coursework offered
 13 under the initiative in subsequent fiscal years.

14 Sec. 8. Section 256.42, subsection 9, Code 2017, is amended
 15 by striking the subsection.

16 Sec. 9. Section 256.43, subsection 1, paragraph i, Code
 17 2017, is amended to read as follows:

18 *i.* Criteria for school districts or schools to use when
 19 choosing providers of online learning to meet the online
 20 learning program requirements specified in rules adopted
 21 pursuant to [section 256.7, subsection 32](#), ~~paragraph "a"~~.

22 Sec. 10. Section 256.43, subsection 2, Code 2017, is amended
 23 to read as follows:

24 2. *Private providers.* At the discretion of the school board
 25 or authorities in charge of an accredited nonpublic school,
 26 after consideration of circumstances created by necessity,
 27 convenience, and cost-effectiveness, courses developed by
 28 private providers may be utilized by the school district or
 29 school in implementing a high-quality online learning program.
 30 Courses obtained from private providers shall be taught by
 31 teachers licensed under [chapter 272](#). A school district may
 32 provide courses developed by private providers and delivered
 33 primarily over the internet to pupils who are participating in
 34 open enrollment under section 282.18.

DIVISION II

1 CONCURRENT ENROLLMENT — CAREER AND TECHNICAL EXCEPTION TO
2 LIMITATION

3 Sec. 11. Section 257.11, subsection 3, Code 2017, is amended
4 by adding the following new paragraph:

5 NEW PARAGRAPH. *c.* Notwithstanding paragraph “b”,
6 subparagraph (1), a school district that otherwise meets the
7 requirements of this subsection may enter into a sharing
8 agreement with a community college under which the community
9 college may offer, or provide a community college-employed
10 instructor to teach, one or more classes in only one of the
11 six career and technical education areas specified in section
12 256.11, subsection 5, paragraph “h”, and the pupils enrolled
13 in such a class shall be assigned additional weighting in
14 accordance with this subsection, if the number of pupils
15 enrolled in such a class exceeds five and the school district’s
16 total enrollment does not exceed six hundred pupils.

17 Sec. 12. Section 261E.3, subsection 3, paragraph g, Code
18 2017, is amended to read as follows:

19 g. The school district shall certify annually to the
20 department that the course provided to a high school student
21 for postsecondary credit in accordance with [this chapter](#) does
22 not supplant a course provided by the school district in which
23 the student is enrolled, except as provided under section
24 257.11, subsection 3, paragraph "c".

DIVISION III

STUDENT HEALTH WORKING GROUP

27 Sec. 13. STUDENT HEALTH WORKING GROUP.

1. The department of public health and the department of education shall convene a student health working group to review state-initiated student health requirements, including but not limited to requirements relating to dental and vision health screenings under sections 135.17 and 135.39D, blood lead testing under section 135.105D, and immunizations under section 139A.8, and other related requirements imposed on public schools. The working group shall study measures

1 for implementing such student health screening requirements
2 while reducing the administrative burden such requirements
3 impose on public schools. The working group shall develop a
4 uniform enforcement framework that includes a single method
5 for enforcement of the current student health requirements and
6 related data collection.

7 2. Members of the working group shall include two
8 representatives of each of the following, appointed by the
9 respective entity:

- 10 a. The department of education.
- 11 b. The department of public health.
- 12 c. The Iowa association of school boards.
- 13 d. The school administrators of Iowa.
- 14 e. The Iowa school nurse organization.
- 15 f. The Iowa dental association.
- 16 g. The Iowa optometric association.
- 17 h. The area education agencies.
- 18 i. The Iowa academy of family physicians.
- 19 3. a. The working group shall elect a chairperson and vice
20 chairperson from the voting members appointed.
- 21 b. A majority of the voting members of the working group
22 shall constitute a quorum.
- 23 4. The department of public health and the department of
24 education shall work cooperatively to provide staffing and
25 administrative support to the working group.
- 26 5. The working group shall submit its uniform enforcement
27 framework, findings, and recommendations to the general
28 assembly not later than December 31, 2017.

29 DIVISION IV

30 TASK FORCES ON AEA ESSENTIAL SERVICES

31 Sec. 14. TASK FORCE ON THE ESSENTIAL SERVICES OF THE AREA
32 EDUCATION AGENCIES.

33 1. The department of education shall convene a task force
34 to identify and review the essential functions and services
35 area education agencies are mandated or authorized to provide

1 to school districts, accredited nonpublic schools, and other
2 persons. The task force shall compile a comprehensive list of
3 functions and services, in order of priority ranking, offered
4 by the area education agencies. The list shall include a
5 brief description of the rationale for the ranking assigned
6 each function and service offered. The task force may offer
7 recommendations for continuing, modifying, or eliminating
8 functions or service areas currently offered.

9 2. The task force members shall be appointed as follows:

10 a. Four individuals representing the department of
11 education, including the director of the department of
12 education or the director's designee and three individuals who
13 shall be appointed by the director.

14 b. Three individuals representing school administrators who
15 shall be appointed by the school administrators of Iowa.

16 c. Three individuals representing the area education
17 agencies who shall be appointed jointly by the area education
18 agencies.

19 d. Three individuals representing educators who shall be
20 appointed by the professional educators of Iowa.

21 e. Three individuals representing teachers who shall be
22 appointed by the Iowa state education association.

23 f. Three individuals representing school board members who
24 shall be appointed by the Iowa association of school boards.

25 g. Three individuals who shall be appointed by the Iowa
26 advocates for choice in education.

27 h. Four legislative members who shall be appointed as ex
28 officio, nonvoting members with one member to be appointed by
29 each of the following: the majority leader of the senate,
30 the minority leader of the senate, the speaker of the house
31 of representatives, and the minority leader of the house of
32 representatives.

33 3. To the extent practicable, the appointing authorities
34 specified in subsection 2, paragraphs "b" through "g", shall
35 appoint individuals representing large, medium, and small

1 school districts and ensure representation for rural and urban
2 areas.

3 4. The director of the department of education shall convene
4 the initial meeting. The task force shall elect one of its
5 members as chairperson. After the initial meeting, the task
6 force shall meet at the time and place specified by call of
7 the chairperson. The department of education shall provide
8 staffing services for the task force.

9 5. The task force shall submit its findings and
10 recommendations, including the comprehensive list of functions
11 and services offered and the rationale for each ranking
12 assigned to a function or service, in a report to the state
13 board of education, the governor, and the general assembly by
14 November 17, 2017.

15 DIVISION V

16 OPEN ENROLLMENT — EXTRACURRICULAR ACTIVITY FEE

17 Sec. 15. Section 282.18, subsection 7, Code 2017, is amended
18 to read as follows:

19 7. a. A pupil participating in open enrollment shall be
20 counted, for state school foundation aid purposes, in the
21 pupil's district of residence. A pupil's residence, for
22 purposes of [this section](#), means a residence under section
23 282.1.

24 b. (1) The board of directors of the district of residence
25 shall pay to the receiving district the sum of the state cost
26 per pupil for the previous school year plus either the teacher
27 leadership supplement state cost per pupil for the previous
28 fiscal year as provided in [section 257.9](#) or the teacher
29 leadership supplement foundation aid for the previous fiscal
30 year as provided in [section 284.13, subsection 1](#), paragraph "e",
31 if both the district of residence and the receiving district
32 are receiving such supplements, plus any moneys received for
33 the pupil as a result of the non-English speaking weighting
34 under [section 280.4, subsection 3](#), for the previous school
35 year multiplied by the state cost per pupil for the previous

1 year. If the pupil participating in open enrollment is also
 2 an eligible pupil under [section 261E.6](#), the receiving district
 3 shall pay the tuition reimbursement amount to an eligible
 4 postsecondary institution as provided in [section 261E.7](#).

5 (2) If a pupil participates in cocurricular or
 6 extracurricular activities in accordance with subsection 11A,
 7 the district of residence may deduct the prorated amount of
 8 the cost of the cocurricular or extracurricular activities
 9 paid from general fund revenue from the amount calculated in
 10 subparagraph (1). The school district shall not deduct general
 11 administrative, overhead, or other indirect costs. The total
 12 amount of such costs deducted in a school year for the pupil
 13 shall not exceed the lesser of the actual cost of providing
 14 the cocurricular or extracurricular activities to the pupil or
 15 fifteen percent of the state cost per pupil for the previous
 16 school year. The school district of residence may charge
 17 the pupil a fee for participation in such cocurricular or
 18 extracurricular activities equivalent to the fee charged to and
 19 paid in the same manner by other resident pupils.

20 Sec. 16. Section 282.18, Code 2017, is amended by adding the
 21 following new subsection:

22 NEW SUBSECTION. 11A. A pupil participating in open
 23 enrollment for purposes of receiving educational instruction
 24 and course content primarily over the internet in accordance
 25 with section 256.7, subsection 32, may participate in any
 26 cocurricular or extracurricular activities offered to children
 27 in the pupil's grade or group and sponsored by the district
 28 of residence under the same conditions and requirements
 29 as the pupils enrolled in the district of residence. The
 30 student shall comply with the eligibility, conduct, and other
 31 requirements relating to the activity that are established
 32 by the district of residence for any student who applies to
 33 participate or who is participating in the activity.

34 DIVISION VI

35 DEPARTMENT OF EDUCATION — BILITERACY SEAL

1 Sec. 17. Section 256.9, Code 2017, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 61. Develop and administer a seal of
4 biliteracy program to recognize students graduating from high
5 school who have demonstrated proficiency in two or more world
6 languages, one of which must be English. Participation in the
7 program by a school district, attendance center, or accredited
8 nonpublic school shall be voluntary. The department shall work
9 with stakeholders to identify standardized tests that may be
10 utilized to demonstrate proficiency. The department shall
11 produce a seal of biliteracy, which may include but need not
12 be limited to a sticker that may be affixed to a student's
13 high school transcript or a certificate that may be awarded to
14 the student. A participating school district or school shall
15 notify the department of the names of the students who have
16 qualified for the seal and the department shall provide the
17 school district or school with the appropriate number of seals
18 or other authorized endorsement. The department may charge a
19 nominal fee to cover printing and postage charges related to
20 issuance of the biliteracy seal under this subsection.

21 DIVISION VII

22 LIMITATION ON DEPARTMENT OF EDUCATION GUIDANCE

23 Sec. 18. NEW SECTION. 256.9A Limitation on guidance and
24 interpretations.

25 1. For the purposes of this section, "*guidance*" means a
26 document or statement issued by the department, the state
27 board, or the director that purports to interpret a law, a
28 rule, or other legal authority and is designed to provide
29 advice or direction to a person regarding the implementation
30 of or compliance with the law, the rule, or the other legal
31 authority being interpreted.

32 2. The department, the state board, or the director shall
33 not issue guidance inconsistent with any statute, rule, or
34 other legal authority and shall not issue guidance that imposes
35 any legally binding obligations or duties upon any person

1 unless such legally binding obligations or duties are required
2 or reasonably implied by any statute, rule, or other legal
3 authority.

4 3. This section shall not apply to a rule adopted pursuant
5 to chapter 17A, a declaratory order issued pursuant to section
6 17A.9, a document or statement required by federal law or a
7 court, or a document or statement issued in the course of a
8 contested case proceeding, an administrative proceeding, or a
9 judicial proceeding to which the department, the state board,
10 or the director is a party.

11 4. Guidance issued by the department, the state board, or
12 the director in violation of subsection 2 shall not be deemed
13 to be legally binding.

14 Sec. 19. EFFECTIVE UPON ENACTMENT. This division of this
15 Act, being deemed of immediate importance, takes effect upon
16 enactment.